IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	
	:	
v.	:	**Crim. No. 18-435**
	:	
CARLOS RAMOS	:	

O R D E R

On October 10, 2018, the grand jury charged Defendant Carlos Ramos with attempted possession with intent to distribute cocaine, possession with intent to distribute cocaine, and possession with intent to distribute cocaine within 1,000 feet of a school. (Doc. No. 8); 21 U.S.C. §§§§ 846, 841(a)(1), (b)(1)(C), 860(a). On February 5, 2019, Defendant moved to suppress evidence recovered from a Priority Mail package addressed to his alias, as well as all statements and evidence recovered and resulting from the intercepted package as "fruits" of an unlawful search. (Doc. No. 25.) The Government responded, and Defendant replied. (Doc. Nos. 27, 30.)

On March 14, 2019, I held a suppression hearing, at which United States Postal Inspector Matthew Lynch testified. (Doc. No. 41.) The Parties have fully briefed the matter, having filed proposed findings and conclusions as well as legal memoranda. (Doc. Nos. 45, 46.)

I will deny Defendant's Suppression Motion on standing grounds, and alternatively, on the merits. I have set forth a brief explanation of my ruling below to enable counsel to prepare for trial, which is scheduled to begin on March 26, 2019. As I stated at the hearing, I will issue a more detailed memorandum with my findings and conclusions at a later time. See Fed. R. Crim. P. 12(d).

I will deny Defendant's Motion for lack of standing. Defendant has not shown that he had a legitimate expectation of privacy in the Priority Mail package at issue. Rakas v. Illinois, 439 U.S. 128, 143 n.12 (1978); accord. United States v. Burnett, 73 F.3d 122, 131 (3d Cir. 2014) ("A

person must show both that he had a subjective expectation of privacy in the area searched and that his expectation was objectively reasonable."); United States v. Zavala, No. 02-446, 2003 WL 431636, at *1 (E.D. Pa. Feb. 20, 2003) (same). Even if Defendant could demonstrate that he had a subjective expectation of privacy in the package delivered to his alias, he has not shown that it is one that society would recognize as reasonable. See, e.g., United States v. Daniel, 982 F.2d 146, 149 (5th Cir. 1993); United States v. Lewis, 738 F.2d 916, 919–20 n.2 (8th Cir. 1984); see also Zavala, 2003 WL 431606, at *1; United States v. Walker, 20 F. Supp. 2d 971, 973–74 (S.D.W. Va. 1998); United States v. DiMaggio, 744 F. Supp. 43, 45 (N.D.N.Y 1990) ("[D]efendants' [use of a criminal alias] reflects a conscious desire on their part to avoid public disclosure of their subjective expectations for purposes of violating the law. The Fourth Amendment does not extend its protections to such conduct.").

I will, in the alternative, deny Defendant's Motion as meritless. The Government proved convincingly that there was reasonable suspicion to detain the package: (1) Inspector Lynch had a particularized and objective basis for suspecting that the Priority Mail package contained contraband based on the totality of the circumstances and his experience as a Postal Inspector and Upper Darby Police Officer; and (2) the package—which was delivered by its contracted date—was not detained for an unreasonable period. United States v. Colon, 386 F. App'x 229, 230–31 (3d Cir. 2010) (citing United States v. Van Leeuwen, 397 U.S. 249, 251 (1970)).

The evidence is also clear that Judge Heffley had probable cause to issue a warrant to search the package. United States v. Rivera, 347 F. App'x 833, 838 (3d Cir. 2009). To the extent Defendant challenges the search of his residence, Judge Heffley's second warrant set out probable cause, justifying the search.

Having rejected Defendant's Fourth Amendment challenge to the search and seizure of the

Priority Mail package, the evidence the agents subsequently obtained is admissible: there was no "poisonous tree" to taint these "fruits." Accordingly, I will deny Defendant's Motion.

AND NOW, this 22nd day of March, 2019, upon consideration of Defendant's Motion to Suppress (Doc. No. 25) and all related filings, and after the March 14, 2019 suppression hearing, it is hereby **ORDERED** that Defendant's Motion (Doc. No. 25) is **DENIED**. I will issue a more detailed memorandum with my findings and conclusions at a later time. Fed. R. Crim. P. 12(d).

AND IT IS SO ORDERED.

/s/ Paul S. Diamond

March 22, 2019 Paul S. Diamond, J.